

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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In re: Keurig Green Mountain Single-Serve:	:	Case No. 1:14-md-02542 (VSB)
Coffee Antitrust Litigation	:	MDL No. 2542
	:	
	:	Hon. Vernon S. Broderick
	:	
<i>This document concerns all related actions.</i>	:	DECLARATION OF ALDO A. BADINI
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	:	
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I, Aldo A. Badini, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of New York and a partner at Winston & Strawn LLP (“Winston”). I am one of the attorneys representing Plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, Inc. (collectively, “TreeHouse” or “Plaintiffs”) in the above-captioned matter. I make this declaration on personal knowledge and in support of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Summary Judgment, unless I indicate that I make a statement on information and belief. If called as a witness, I could and would competently testify to the matters stated herein.

2. Exhibits 1-441 have been entered into the record in the A. Badini Declaration submitted as part of Plaintiffs’ Motion for Summary Judgment, ECF No. 1497, and Plaintiffs respectfully refer the Court to that filing for Exhibits 1-441.

3. Exhibits 442-1255 have been entered into the record in the A. Badini Declaration submitted as part of Plaintiffs’ Opposition to Keurig’s Motion for Summary Judgment, ECF No. 1565, and Plaintiffs respectfully refer the Court to that filing for Exhibits 442-1255.

4. Attached as Exhibit 1256 is a true and correct copy of excerpts from the deposition transcript of David Burwick, dated May 29, 2020.

5. Attached as Exhibit 1257 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of The J.M. Smucker Company by Vincent C. Byrd, dated June 5, 2020.

6. Attached as Exhibit 1258 is a true and correct copy of excerpts from the deposition transcript of Kristin Lemieux, dated May 20, 2020.

7. Attached as Exhibit 1259 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Walmart by Creighton Kiper, dated June 30, 2020.

8. Attached as Exhibit 1260 is a true and correct copy of excerpts from the deposition transcript of Brian Magner, dated May 28, 2020.

9. Attached as Exhibit 1261 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of TreeHouse by Thomas Jarona, dated April 30, 2020.

10. Attached as Exhibit 1262 is a true and correct copy of excerpts from the deposition transcript of Mariusz Olszewski, dated May 27, 2020.

11. Attached as Exhibit 1263 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Microtrace, LLC by Brian Brogger, dated June 12, 2020.

12. Attached as Exhibit 1264 is a true and correct copy of the Second Amendment to Annual Purchase Agreement between Berry Plastics Corporation and Sturm Foods, Inc., dated December 1, 2011, and bearing the Bates numbers THS-004065117 through THS-004065120.

13. Attached as Exhibit 1265 is a true and correct copy of the Third Amendment to Annual Purchase Agreement between Berry Plastics Corporation and Sturm Foods, Inc., dated August 19, 2013, and bearing the Bates numbers THS-004065121 through THS-004065122.

14. Attached as Exhibit 1266 is a true and correct copy of an email between TreeHouse employees dated August 21, 2014, and bearing the Bates number THS-001696111.

15. Attached as Exhibit 1267 is a true and correct copy of excerpts from the deposition transcript of Thomas C. Riggins, III, dated October 3, 2019.

16. Attached as Exhibit 1268 is a true and correct copy of excerpts from the deposition transcript of Thomas Riggins, III, dated October 4, 2019.

17. Attached as Exhibit 1269 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Keurig Green Mountain by Jim Martin, dated February 21, 2020.

18. Attached as Exhibit 1270 is a true and correct copy of excerpts from the deposition transcript of Robert Baker, dated March 21, 2019.

19. Attached as Exhibit 1271 is a true and correct copy of excerpts from the deposition transcript of Mohammad Farahat, dated December 18, 2019.

20. Attached as Exhibit 1272 is a true and correct copy of excerpts from the deposition transcript of Ian Tinkler, dated September 27, 2019.

21. Attached as Exhibit 1273 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of TreeHouse by Martin Reynolds, dated May 15, 2020.

22. Attached as Exhibit 1274 is a true and correct copy of an email between Sun Chemical employees, dated August 13, 2014, and bearing the Bates numbers SUN000359 through SUN000360, and such document was identified and marked as Plaintiffs' Deposition Exhibit 1160.

23. Attached as Exhibit 1275 is a true and correct copy of emails and attachments between Keurig employees, dated November 23, 2016, and bearing the Bates numbers KGM09757023 through KGM09757027, and such document was identified and marked as Plaintiffs' Deposition Exhibit 1181.

24. Attached as Exhibit 1276 is a true and correct copy of emails and an attachment between Keurig employees, dated March 27, 2017, and bearing the Bates numbers KGM09797144

through KGM09797147, and such document was identified and marked as Plaintiffs' Deposition Exhibit 1184.

25. Attached as Exhibit 1277 is a true and correct copy of a PowerPoint presentation prepared by Keurig Green Mountain, dated February 15, 2017, and bearing the Bates number KGM10265059.

26. Attached as Exhibit 1278 is a true and correct copy of a PowerPoint presentation prepared by Keurig Green Mountain, dated November 9, 2016, and bearing the Bates number KGM10265863.

27. Attached as Exhibit 1279 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Keurig Green Mountain by Mark Wood, dated February 21, 2020.

28. Attached as Exhibit 1280 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Keurig Green Mountain by Mark Wood, dated December 3, 2019.

29. Attached as Exhibit 1281 is a true and correct copy of a Supply, Manufacturing and Distribution Agreement, dated October 17, 2014, and bearing the Bates numbers KGM03107421 through KGM03107455.

30. Attached as Exhibit 1282 is a true and correct copy of excerpts from the deposition transcript of Donald Holly, dated May 8, 2020.

31. Attached as Exhibit 1283 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of JBR, Inc. by Thomas Garber, dated May 12, 2020.

32. Attached as Exhibit 1284 is a true and correct copy of excerpts from the deposition transcript of Pete Rogers, dated January 28, 2020.

33. Attached as Exhibit 1285 is a true and correct copy of excerpts from the deposition transcript of Brian Sturgill, dated March 21, 2019.

34. Attached as Exhibit 1286 is a true and correct copy of a PowerPoint presentation prepared by Keurig, dated January 28, 2014, and bearing the Bates number KGM07097520.

35. Attached as Exhibit 1287 is a true and correct copy of a document prepared by Plaintiffs titled “Deposition of Keurig Green Mountain, Inc. – 30(b)(6) Topics on Which the Parties Are In Agreement,” and such document was identified and marked as Plaintiffs’ Deposition Exhibit 2072.

36. Attached as Exhibit 1288 is a true and correct copy of excerpts from the deposition transcript of Andrew Gross, dated February 25, 2020.

37. Attached as Exhibit 1289 is a true and correct copy of excerpts from the deposition transcript of Craig Lemieux, dated May 9, 2019.

38. Attached as Exhibit 1290 is a true and correct copy of an email and attachment between Keurig employees dated March 15, 2016, and bearing the Bates numbers KGM11488206 through KGM11488209, and such document was identified and marked as Plaintiffs’ Deposition Exhibit 1290.

39. Attached as Exhibit 1291 is a true and correct copy of the Reply Expert Report of Sarah Butler on Survey of Consumers and the Away-From-Home Market, dated February 1, 2021.

40. Attached as Exhibit 1292 is a true and correct copy of excerpts from the deposition transcript of Kevin Murphy, dated March 24, 2021.

41. Attached as Exhibit 1293 is a true and correct copy of a screenshot of the Walmart webpage for the Keurig 2.0 K350 Brewer, dated November 30, 2021.

42. Attached as Exhibit 1294 is a true and correct copy of a screenshot of the Kohl’s webpage for the Keurig 2.0 K350 Brewer, dated November 30, 2021

43. Attached as Exhibit 1295 is a true and correct copy of a screenshot of the Sam's Club webpage for the Keurig 2.0 K460 Brewer, dated November 30, 2021.

44. Attached as Exhibit 1296 is a true and correct copy of a screenshot of the Amazon webpage for the Keurig 2.0 K425 Brewer, dated November 30, 2021.

45. Attached as Exhibit 1297 is a true and correct copy of excerpts from the deposition transcript of Grupo Phoenix by Andres Angulo, dated October 18, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
December 15, 2021

WINSTON & STRAWN LLP

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